

**CITY COUNCIL MEETING
NOVEMBER 5, 2002**

Date & Time	On the 5 th day of November, A.D., 2002, the City Council of the City of Fort Worth, Texas, met in regular session at 7:10 p.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:
Attendance	Mayor Kenneth Barr; Mayor Pro tempore Ralph McCloud; Council Members Jim Lane, Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, Jeff Wentworth, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria Pearson. With more than a quorum present, the following business was transacted:
Invocation	The invocation was given by Mr. Estrus Tucker, Liberation Community Church.
Pledge	The Pledge of Allegiance was recited.
Minutes	On motion of Council Member Silcox, seconded by Council Member Haskin, the minutes of the regular meeting of October 29, 2002, were approved unanimously.
Special Presentations	<p>Council Member Davis presented a Certificate of Recognition to Mr. Jeff King for his service on the City Zoning Commission and the Fort Worth Alliance Airport Zoning Commission.</p> <p>Council Member Lane presented a Certificate of Recognition to Mr. Edward Sandoval for his service on the Disciplinary Appeals Board.</p>
Announcements	Mayor Barr announced that the Youth Town Hall meeting would be held November 16, 2002, from 10:00 a.m. to 1:30 p.m. He stated that this would allow teenagers an opportunity to express their opinions of City government and encouraged teens to attend.
Withdrawn from Consent Agenda	City Manager Jackson requested that Mayor and Council Communication No. P-9704 be withdrawn from the consent agenda.
Continued/ Withdrawn By Staff	City Manager Jackson requested that Mayor and Council Communication Nos. G-13730A and P-9704 be continued until November 19, 2002.
Consent Agenda	On motion of Council Member Silcox, seconded by Council Member Wentworth, the consent agenda, as amended, was adopted unanimously.

Appointments Council Member Davis made a motion, seconded by Council Member Wentworth, that Allison Thompson be appointed to the Fort Worth Commission on the Status of Women, effective November 5, 2002, and with a term expiring October 1, 2003. The motion carried unanimously.

Res. #2885 It appeared that the City Council, at its meeting of October 29, 2002, continued consideration of a resolution appointing members of the Fort Worth Transportation Authority Executive Committee. Council Member Silcox made a motion, seconded by Council Member Davis, that Resolution No. 2885 be adopted, appointing the following persons:

**Appoint
Members of FW
Transportation
Authority
Executive
Committee**

**Gyna Bivens-Mathis
Eduardo (Ed) Cañas
Glenn Forbes
Greg Hughes
Gary W. Havener
Cary Jennings
William (Bill) T. Leonard
Richard Spraberry**

Council Member Haskin made a substitute motion, seconded by Council Member Picht, to adopt the resolution without the proposed appointment of District 4 representative Cary Jennings. The motion carried by the following vote:

AYES: Mayor Pro tempore McCloud; Council Members Lane, Haskin, Moss, Picht, and Davis

NOES: Mayor Barr; Council Members Silcox and Wentworth

ABSENT: None

OCS-1315 There was presented Mayor and Council Communication No. OCS-1315 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance/Risk Management Department. It was the consensus of the City Council that the recommendation be adopted.

Claims

- | | |
|---|---|
| G-13730
Amended
Continued Until
November 19,
2002 | It was the consensus of the City Council that Mayor and Council Communication No. G-13730 Amended, dated September 10, 2002, Amendment of Ordinance No. 13543, as Amended by Ordinance Nos. 13672, 13673, 13674, and 13842 Codified as Chapter 2, Article VI, Division 1, Entitled "Employees' Retirement Fund" of the Code of the City of Fort Worth, to Establish a Deferred Retirement Option Program and to Provide Members with an Opportunity to Purchase Credited Service by Paying the Actuarial Cost for a Buy-Up Option, be continued until November 19, 2002. |
| G-13788
Ord. #15316
Repeal Ord.
#14827 Vacating
Sunset Drive &
Winthrop
Avenue | There was presented Mayor and Council Communication No. G-13788 from the City Manager recommending that the City Council adopt Ordinance No. 15316 repealing Ordinance No. 14827 and vacating Winthrop Avenue, dedicated by plat of Ridglea Apartments Addition, and Ridgeway Manors No. 3 Addition, as approved by the City Plan Commission on January 26, 2000; providing for reversion of fee in said land that is vacated; repealing all ordinances in conflict herewith. It was the consensus of the City Council that the recommendation be adopted. |
| G-13789
Fee Waiver
Request to
Change Street
Name from
Vanderzyl Road
to Louis Scoma
Road | There was presented Mayor and Council Communication No. G-13789 from the City Manager recommending that the City Council consider a waiver of the \$500.00 fee associated with an application to change the name of Vanderzyl Road to Louis Scoma Road. It was the consensus of the City Council that the recommendation be adopted. |
| G-13790
Renewal of
Airport Liability
Insurance with
Key & Piskuran
Insurance
Agency | There was presented Mayor and Council Communication No. G-13790 from the City Manager recommending that the City Council authorize the City Manager to exercise the first of three consecutive one-year renewal options from Key and Piskuran Insurance Agency for airport liability insurance. The FY2003 premium cost is \$32,340.00. It was the consensus of the City Council that the recommendation be adopted. |
| Public Hearing | It appeared that the City Council set today as the date for a public hearing for a request for variance from Section 4-4 of the City Code to allow the sale of alcoholic beverages at 1800 Evans Avenue. Mayor Barr asked if there was anyone present desiring to be heard. |

Mayor Pro tempore McCloud advised Council that this item was previously withdrawn without prejudice October 15, 2002. He added that the applicant thought that he had worked out a plan to ensure compliance with the 300-foot distance rule but it was not possible to do so, and was therefore withdrawing his request for the variance.

Nehemiah Davis Reverend Nehemiah Davis, 1801 Evans Avenue, appeared before City Council and requested those members in the audience who were there in opposition to the variance stand. He expressed appreciation to the applicant for withdrawing his request and stated that he understood the need for economic development and suggested that consideration be given to locating a quality restaurant or a hotel in the area.

G-13791
Variance from
Section 4-4 of
City Code
Prohibiting Sale
of Alcoholic
Beverages at
1800 Evans
Avenue

There was presented Mayor and Council Communication No. G-13791 from the City Manager recommending that the City Council approve the request from Mr. Bill J. Hadley for a variance from Section 4-4 of the City Code prohibiting the sale of alcoholic beverages within 300 feet of a church at 1800 Evans Avenue.

There being no one else present desiring to be heard in connection with the request of variance form Section 4-4 of the City Code to allow sale of alcoholic beverages at 1800 Evans Avenue, Mayor Pro tempore McCloud made a motion, seconded by Council Member Silcox, that the public hearing be closed and that Mayor and Council Communication No. G-13791 be withdrawn. The motion carried unanimously.

Public Hearing

It appeared that the City Council set today as the date for a public hearing and adoption of an ordinance reducing the boundary of Tax Increment Reinvestment Zone Number Three, City of Fort Worth, Texas (Downtown TIF). Mayor Barr asked if there was anyone present desiring to be heard.

Mrs. Ardina Washington, representing the Economic Development Department, appeared before Council, gave a staff report, and relinquished the floor to Assistant City Attorney Peter Vaky who advised Council of an amendment to Section 6 Tax Increment Fund of the ordinance, stating that the first line should read "That beginning with the 2002 tax year, each taxing unit which levies real property taxes on the Property shall be relieved of any obligation to deposit the percentage of any tax increment (as defined by Section 311.012(a) of the Code) produced by the Property that the

taxing entity elected to dedicate the Tax Increment Fund (created and established for the Zone pursuant to Section 7 of Ordinance No. 12324) ("TIF Fund") under a participation agreement with the City, as authorized by Section 311.013(f) of the Code" and delete the remainder of the paragraph. He called attention to Mayor and Council Communication No. G-13792, as follows:

**G-13792
Ord. #15317
Reduce
Boundary of Tax
Increment
Reinvestment
Zone #3
(Downtown TIF)**

There was presented Mayor and Council Communication No. G-13792 from the City Manager recommending that the City Council:

1. Hold a public hearing concerning the reduction of the boundary of Tax Increment Reinvestment Zone Number Three, City of Fort Worth, Texas (Downtown TIF) as specifically provided in the ordinance; and
2. Adopt Ordinance No. 15317 reducing the boundaries of Tax Increment Reinvestment Zone Number Three, City of Fort Worth, Texas.

There being no one else present desiring to be heard in connection with the public hearing and adoption of an ordinance reducing the boundary of Tax Increment Reinvestment Zone Number Three, City of Fort Worth, Texas (Downtown TIF), Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the public hearing be closed and Mayor and Council Communication No. G-13792 be adopted, as amended. The motion carried unanimously.

**G-13793
Appoint Jesse
Zamarripa to
Firefighters' &
Police Officers'
Civil Service
Commission**

There was presented Mayor and Council Communication No. G-13793 from the City Manager recommending that the City Council confirm the appointment of Jesse Zamarripa as a member of the Firefighters' and Police Officers' Civil Service Commission to fill the unexpired term of former member Francisco Hernandez, Jr. Council Member Silcox made a motion, seconded by Council Member Wentworth, that the recommendation be adopted. The motion carried unanimously.

**G-13794
Ord. #15318
Donation for
Police Dogs**

There was presented Mayor and Council Communication No. G-13794 from the City Manager recommending that the City Council authorize the City Manager to accept a donation of \$10,000.00 to purchase two police service dogs; and adopt Appropriation Ordinance No. 15318 increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$10,000.00 from available funds, for the purpose of funding two

police service dogs. Council Member Silcox made a motion, seconded by Council Member Lane, that the recommendation be adopted. The motion carried unanimously.

Council Member Silcox expressed appreciation to the generous anonymous donor of \$10,000.00 for the purchase of two police service dogs for the Police Department. He further stated that such a service really shows the commitment of the citizens of Fort Worth.

**G-13795
Amend City
Council Single-
Member
Redistricting
Plan**

There was presented Mayor and Council Communication No. G-13795 from the City Manager recommending that the City Council approve the amendment to the single-member redistricting plan approved by the City Council on August 13, 2002, which makes three minor changes to unpopulated census blocks requested by the Tarrant County Elections Administrator. Council Member Silcox made a motion, seconded by Council Member Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

**G-13796
Ord. #15319
Amend City
Council Single-
Member District
Plan**

There was presented Mayor and Council Communication No. G-13796 from the City Manager recommending that the City Council adopt Ordinance No. 15319 amending Section 2 through Section 9 of Ordinance No. 7323, as amended, by redefining the Boundaries of the City Council single-member districts. Mayor Pro tempore McCloud made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

**P-9704
Continued for
Two Weeks**

It was the consensus of the City Council that Mayor and Council Communication No. P-9704, Purchase Agreement with Multiple Vendors for Film and Film Processing for the City of Fort Worth, be continued for two weeks.

**P-9705
Rescind
Purchase
Agreement for
Pipe & Concrete
Saw Blades**

There was presented Mayor and Council Communication No. P-9705 from the City Manager recommending that the City Council rescind the purchase agreement with ATS International to provide pipe and concrete saw blades; and authorize the rebid for pipe and concrete saw blades. Council Member Silcox made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.

**P-9706
First Aid Kits,
First Aid
Supplies, Reject
Bids for Some
First Aid
Supplies &
Nitrile Gloves
and Authorize
Rebid for Nitrile
Gloves**

There was presented Mayor and Council Communication No. P-9706 from the City Manager recommending that the City Council:

1. Authorize a purchase agreement with multiple vendors for first aid kits and first aid supplies for the City of Fort Worth based on the overall low bids meeting specifications with payment due 30 days from receipt of the invoice, freight cost included; and

<u>Bidder</u>	<u>Item No.</u>	<u>Commodity</u>
Specialty Products	1	First Aid Kits
Xpect First Aid	11	Earplugs

2. Authorize a purchase agreement with Vallen Safety Supply for first aid supplies for the City of Fort Worth based on the best value with payment due 30 days from receipt of the invoice, freight cost included; and

<u>Item No.</u>	<u>Commodity</u>
4	Antiseptic Hand Cleaner Soap
12	Sterile Eye Wash Solution
13	Sterile Plastic Eye Cups
14	Sun Block Lotion, SPF-30
15	Plastic Strip Sterile Bandages

3. Authorize the rejection of bids received for Item No. 2, nitrile gloves, and approve the issuance of a new Invitation to Bid; and
4. Authorize the rejection of bids received for the following first aid supplies; and

<u>Item No.</u>	<u>Commodity</u>
3	Iodine Antiseptic Solution
5	Isopropyl Rubbing Alcohol
6	First Aid Cream
7	Medicated Hand Cream
8	Instant Cold Packs
9	Ammonia Inhalant
10	PVP Iodine Wipe Pads

5. Authorize the agreements to begin November 5, 2002, and expire November 4, 2003, with options to renew for two successive one-year periods.

Mayor Pro tempore McCloud made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried unanimously.

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| L-13439
Sale of Right-of-
Way for IH-30
Improvement
Project | There was presented Mayor and Council Communication No. L-13439 from the City Manager recommending that the City Council approve the sale of right-of-way of one parcel described as Lot 2, Block 4, Bridgewood Village Addition (6400 Bridge Street), Tarrant County, Texas, to the Texas Department of Transportation for the construction of a ramp at Bridge Street for the IH-30 Improvement Project. It was the consensus of the City Council that the recommendation be adopted. |
| L-13440
Waterline
Easements | There was presented Mayor and Council Communication No. L-13440 from the City Manager recommending that the City Council approve the acceptance of two waterline easements described as A-1497, Benjamin Thomas Survey, Tarrant County, Texas, located south of Bonds Ranch Road and along Business US Highway 287 from Chapel Hill Venture, LLP and Larry D. and Celia Crist for the Chapel Hill offsite project (DOE 3733) for a total cost of \$2.00. It was the consensus of the City Council that the recommendation be adopted. |
| L-13441
Lease
Agreement for
Property
Located at 895
Harmon Road | There was presented Mayor and Council Communication No. L-13441 from the City Manager recommending that the City Council authorize the City Manager to execute a lease agreement with Shannon Fauver, Stacey Sands and Robert Doty (DOE 0668) for the property located at 895 Harmon Road for a cost of \$900.00 per month; and authorize this agreement to begin December 1, 2002, and expire November 30, 2003, with options to renew the lease for two one-year periods with the provision that the City may terminate this lease at the conclusion of each term. It was the consensus of the City Council that the recommendation be adopted. |
| L-13442
Permanent
Sanitary Sewer
Easement | There was presented Mayor and Council Communication No. L-13442 from the City Manager recommending that the City Council approve the acceptance of one permanent sanitary sewer easement described as a portion of Eli Shriver Survey, Abstract No. 1455, from Hillwood Alliance Residential, L.P., a Texas Limited Partnership, for property located south of Heritage Trace Parkway and east of Trace Ridge Parkway (DOE 3816) necessary for the construction, operation, maintenance and repair of a sanitary sewer line, for a cost of \$1.00. It was the consensus of the City Council that the recommendation be adopted. |
| L-13443
Lease Office
Space at FW
Meacham
Airport | There was presented Mayor and Council Communication No. L-13443 from the City Manager recommending that the City Council authorize the City Manager to execute an annual Terminal Building Office Lease Agreement with Delta Aeronautics, Inc. for 2,417 square feet of office space on the first floor of the Terminal |

Building at Fort Worth Meacham International Airport. It was the consensus of the City Council that the recommendation be adopted.

**L-13444
Lease T-Hangar
Units 19S-9 &
19S-10 at FW
Meacham
Airport**

There was presented Mayor and Council Communication No. L-13444 from the City Manager recommending that the City Council authorize the City Manager to execute a T-Hangar Lease Agreement with Delta Aeronautics, Inc. for T-Hangar Unit 19S-9 and T-Hangar Unit 19S-10 at Fort Worth Meacham International Airport. It was the consensus of the City Council that the recommendation be adopted.

**PZ-2417
Denied
Limited Purpose
Annexation of
214.75 Acres in
J. Burleson
Survey & the W.
Houston Survey
(Linkwood
Estates)
AX-02-0005**

There was presented Mayor and Council Communication No. PZ-2417, dated October 1, 2002, from the City Manager recommending that the City Council adopt an ordinance declaring certain findings; providing for the limited purpose annexation of a certain 214.75 acres (.335 square miles) of land, more or less, situated in the J. Burleson Survey, Abstract No. 78, and the W. Houston Survey, Abstract No. 719 (Linkwood Estates), situated about 11 ½ miles south, 77 degrees west from the courthouse in Tarrant County, Texas, being on the waters of the south fork of Mary's Creek (Case No. AX-02-0005) which territory lies contiguous to the present corporate boundary limits of Fort Worth, Texas; providing that this ordinance shall amend every prior ordinance in conflict herewith, and adopting a regulatory plan for the area. Council Member Wentworth made a motion, seconded by Council Member Davis, that the recommendation be denied and that staff be directed to bring forward an M&C to remove Linkwood Estates from the annexation plan.

Assistant City Attorney Olson appeared and explained that if this was denied, that once removed from the plan, Council would have to wait four years before once again considering this area for annexation.

Jack Jefferson

Mr. Jack Jefferson, 3924 Linkcrest Drive, appeared before the City Council and expressed appreciation for Council's consideration to deny the annexation of Linkwood Estates for limited purposes.

Mr. Dale Fisseler, Water Department Director, appeared and advised Council that a productive meeting with Aqua Source had taken place, but stated that the issue of fire protection situation needed to be addressed.

The motion carried unanimously.

**PZ-2418
Denied
Limited Purpose
Annexation of
198.25 Acres in
S.H. Pettit
Survey (El
Rancho Estates)
AX-02-0006**

There was presented Mayor and Council Communication No. PZ-2418, dated October 1, 2002, from the City Manager recommending that the City Council adopt an ordinance declaring certain findings; providing for the limited purpose annexation of a certain 198.25 acres (.31 square miles) of land, more or less, in the S.H. Pettit Survey, Abstract No. 1234, situated about 11 ½ miles south, 77 degrees west from the courthouse in Tarrant County, Texas, being all of El Rancho Estates, and the right-of-ways as shown on the plat thereof, and being on the waters of the south fork of Mary's Creek (Case No. AX-02-0006) which territory lies contiguous to the present corporate boundary limits of Fort Worth, Texas; providing that this ordinance shall amend every prior ordinance in conflict herewith, and adopting a regulatory plan for the area. Council Member Wentworth made a motion, seconded by Council Member Davis, that the recommendation be denied and that staff be directed bring forward an M&C to remove El Rancho Estates from the annexation plan.

Phillip Hallman

Mr. Phillip Hallman, 539 Diamond Bar Tr., Aledo Texas, appeared before the City Council and expressed appreciation for the decision to take El Rancho Estates out of the annexation plan and stated that this was good for El Rancho Estates.

The motion carried unanimously.

**PZ-2432
Institution of
Annexation for
Limited
Purposes of
1,238 Acres
Located North &
East of Boat
Club Road &
South of Bonds
Ranch (Eagle
Mountain 8W &
10) AX-02-0008**

There was presented Mayor and Council Communication No. PZ-2432 from the City Manager recommending that the City Council institute the annexation for limited purposes of 178 acres in the Alexander Crane Harris and Brooks, S. E. Merrell and, J. N. Reed, surveys, and 1,060 acres in the W. E. Boswell, D. McCarty, J. A. McNutt, I. Reed, J. N. Reed, J. Simmons, B. Thomas, and G. T. Walters Surveys located north and east of Boat Club Road and south of Bonds Ranch (Eagle Mountain 8W and 10); and direct City staff to schedule consideration of adoption of limited purpose annexation ordinance at the regular City Council meeting on December 3, 2002. Council Member Wentworth made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Haskin, Moss,
Wentworth, and Davis

NOES: Council Members Silcox and Picht

ABSENT: None

**PZ-2433
Institution of
Annexation for
Limited
Purposes of
7,744 Acres
Located West of
IH35 & North &
South of US
Highway 287
(287 Zone)
AX-02-0009**

There was presented Mayor and Council Communication No. PZ-2433 from the City Manager recommending that the City Council institute the annexation for limited purposes of approximately 7,744 acres located west of IH35 and north and south of U.S. Highway 287 (287 Zone); and direct City Staff to schedule consideration of adoption of the limited purpose annexation ordinance at the regular City Council meeting on December 3, 2002.

Nancy Terrell

Ms. Nancy Terrell, 5808 Azteca, appeared before Council and expressed opposition to forced annexation. She thanked Mr. Bob Riley, Development Department Director, for setting up the meeting next Wednesday with the small business owners in the original Hicks Airfield area. She requested that consideration be given to omitting this area as had been done in the previous cases.

Mayor Barr advised the audience that this was only instituting the annexation and not the final vote on whether the property would or wouldn't be annexed.

Mr. Riley appeared and stated that the meeting would be held at the Summer Glen Library for approximately 26 property owners. He added that they would address life-safety issues relative to issuance of a Certificates of Occupancy. He concluded his remarks stating that staff would provide a report to Council relative to the properties' compliance with City codes after their inspection.

Assistant City Attorney Marcella Olson advised Council that, since the time of the City Council meeting of December 3rd had been changed from 7:00 p.m. to 10:00 a.m., Council may want to amend the timetable to set the consideration for adoption on December 10, 2002, at 7:00 p.m.

Council Member Wentworth made a motion, seconded by Council Member Moss, that the recommendation be adopted and that the timetable be amended to consider adoption of the ordinance on December 10, 2002. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Haskin, Moss,
Wentworth, and Davis

NOES: Council Members Silcox and Picht

ABSENT: None

**Reconsideration
of PZ-2432**

Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that Mayor and Council Communication No. PZ-2432 be reconsidered to amend the timetable to set the consideration of the ordinance's adoption on December 10, 2002. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Haskin, Moss,
Wentworth, and Davis

NOES: Council Members Silcox and Picht

ABSENT: None

Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that consideration of the ordinance's adoption be set for December 10, 2002. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Haskin, Moss,
Wentworth, and Davis

NOES: Council Members Silcox and Picht

ABSENT: None

**C-19326
Ord. #15320
Ord. #15321
Ord. #15322
TxDOT & BNSF**

There was presented Mayor and Council Communication No. C-19326, dated October 29, 2002, from the City Manager recommending that the City Council:

1. Authorize the City Manager to enter into an agreement with the Texas Department of Transportation (TxDOT) and Burlington Northern Santa Fe Railroad (BNSF) to close the railroad crossing on East Fourth Street to vehicular and pedestrian traffic in which TxDOT would pay the City up to \$7,500.00 for the necessary improvements for the closure; and

- 2. Authorize the City Manager to enter into a Real Estate Donation Contract with BNSF for a .0276 acre tract on the corner of Elm Street and East Fourth Street to be donated to the City as dedicated park land; and**
- 3. Authorize the City Manager to accept a \$32,500.00 donation from BNSF in consideration of the closure of the railroad crossing to be used for the installation of a fence along 500 feet of the railroad tracks, park design and development, and closure of the railroad crossing; and**
- 4. Adopt Ordinance No. 15320 vacating a portion of the 400 block of East Fourth Street, located in the M. Baugh Survey, Abstract No. 106, Tarrant County, Texas; and**
- 5. Adopt Ordinance No. 15321 vacating a portion of the 500 block of Terry Street, east of Lot 2R, Block 89 of the Original Town of Fort Worth and part of the M. Baugh Survey, Abstract No. 106, Tarrant County, Texas; and**
- 6. Adopt Appropriation Ordinance No. 15322 increasing estimated receipts and appropriations in the Parks and Community Services Improvements Fund in the amount of \$40,000.00 from available funds for the purpose of funding the closure of the railroad crossing at East Fourth Street and Terry Street.**

Council Member Davis made a motion, seconded by Council Member Haskin, that the recommendation be adopted. The motion carried unanimously.

**C-19327
NHS & Sininian
Development,
Inc.**

There was presented Mayor and Council Communication No. C-19327 from the City Manager recommending that the City Council:

- 1. Authorize the reallocation and use of \$312,000.00 for Community Housing Development Organizations (CHDOs) under the federal Home Investment Partnerships Program (HOME) Year 2002; and**
- 2. Authorize the City Manager to execute contracts, not to exceed a combined total of \$312,000.00 in Fiscal Year 2002 HOME funds, with the following CHDOs to implement their respective projects in the amounts of:**

- a) **\$262,000.00 to Neighborhood Housing Services of Fort Worth and Tarrant County, Inc. (NHS) for construction of single family infill housing comprised of the following:**
 - **\$212,000.00 in CHDO Program Funds**
 - **\$50,000.00 in CHDO Support Funds to assist the organization with payment of operating costs; and**
 - b) **\$50,000.00 to Sininian Development, Inc. in CHDO Support Funds to assist the organization with payment of operating costs; and**
- 3. **Authorize the NHS to retain the proceeds as defined by Section 92.300(a)(2) of the HOME program and in conformance with City policy; and**
 - 4. **Authorize the contract performance period on both contracts to begin on the date of contract execution and end twelve months thereafter; and**
 - 5. **Authorize the City Manager to extend or renew the contracts for up to one year, if the organization requests an extension; and**
 - 6. **Authorize the City Manager to amend the contracts, if necessary, to achieve project goals provided that any such amendment is within the scope of the project and in compliance with applicable laws and regulations.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19328
6-BBQ, Inc.**

There was presented Mayor and Council Communication No. C-19328 from the City Manager recommending that the City Council authorize the City Manager to enter into a standard consent agreement with 6-BBQ, Inc. authorizing use of the right-of-way for the installation of various encroachments for a restaurant at 300 Main Street. The standard consent agreement provides that any future contractual assignments (to a third party) be approved by the City Manager or designated Assistant City Manager. It was the consensus of the City Council that the recommendation be adopted.

**C-19329
Ord. #15323
Stabile & Winn,
Inc.**

There was presented Mayor and Council Communication No. C-19329 from the City Manager recommending that the City Council:

- 1. Authorize the transfer of \$110,124.00 from the Water and Sewer Operating Fund to the Water Capital Project Fund in the amount of \$90,513.00, and the Sewer Capital Project Fund in the amount of \$19,611.00; and**
- 2. Adopt Appropriation Ordinance No. 15323 increasing estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$90,513.00 and the Sewer Capital Project Fund in the amount of \$19,611.00 from available funds for the purpose of funding an award of contract to Stabile & Winn, Inc. for reconstruction of Curzon Avenue (Halloran Street to Faron Street) and Littlepage Street (Kilpatrick Avenue to Fletcher Avenue); and**
- 3. Authorize the City Manager to execute a contract with Stabile & Winn, Inc., in the amount of \$372,136.25, for the reconstruction of Curzon Avenue (Halloran Street to Faron Street) and Littlepage Street (Kilpatrick Avenue to Fletcher Avenue).**

It was the consensus of the City Council that the recommendation be adopted.

**C-19330
Stabile & Winn,
Inc.**

There was presented Mayor and Council Communication No. C-19330 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Stabile & Winn, Inc., in the amount of \$764,736.85, for Polytechnic Heights Educational Corridor Street Reconstruction, Phase Two: Avenue A, Avenue C, Avenue E, Conner Avenue, McKenzie Street and Thrall Street. It was the consensus of the City Council that the recommendation be adopted.

**C-19331
William J.
Schultz, Inc.
d/b/a Circle "C"
Construction**

There was presented Mayor and Council Communication No. C-19331 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with William J. Schultz, Inc. d/b/a Circle "C" Construction Company in the amount of \$346,350.00 for Main C1C4B Drainage Area Sanitary Sewer System Rehabilitation and Improvements (Group 6, Contract 2) Part 15, Sections A and B. It was the consensus of the City Council that the recommendation be adopted.

**C-19332
Boys & Girls
Clubs of Greater
Fort Worth**

There was presented Mayor and Council Communication No. C-19332 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with the Boys and Girls Clubs of Greater Fort Worth to continue operation of the Safe Haven Program in the amount of \$262,810.00; and authorize this contract to begin October 1, 2002, and expire September 30, 2003. It was the consensus of the City Council that the recommendation be adopted.

**C-19333
University of
North Texas
Health Science
Center of Fort
Worth**

There was presented Mayor and Council Communication No. C-19333 from the City Manager recommending that the City Council:

1. Authorize the City Manager to extend the lease agreement with the University of North Texas Health Science Center of Fort Worth for 90 days beginning October 1, 2002, and expiring December 31, 2002, for rental space to operate a medical clinic at the Northside Community Center; and
2. Authorize the City Manager to renew the agreement with the University of North Texas Health Science Center of Fort Worth to continue to operate a medical clinic at the Southside Community Center for three more years beginning December 1, 2002, and expiring November 30, 2005, with two 3-year options to renew.

It was the consensus of the City Council that the recommendation be adopted.

**C-19334
Ord. #15324
FWISD**

There was presented Mayor and Council Communication No. C-19334 from the City Manager recommending that the City Council authorize the City Manager to enter into an agreement with the Fort Worth Independent School District (FWISD) for the After School Program at Como Elementary School; and adopt Appropriation Ordinance No. 15324 increasing estimated receipts and appropriations in the General Fund in the amount of \$44,230.50 from available funds, for the purpose of funding the After School Program at Como Elementary School.

Council Member Moss informed Council that he had filed a Conflict of Interest Affidavit with the City Secretary, and would abstain from voting.

Council Member Davis made a motion, seconded by Council Member Silcox, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Silcox, Haskin,
Picht, Wentworth, and Davis

NOES: None

ABSENT: None

NOT VOTING: Council Member Moss

**C-19335
Crowley & Keller
ISDs**

There was presented Mayor and Council Communication No. C-19335 from the City Manager recommending that the City Council authorize the City Manager to enter into supplemental agreements with the Crowley and Keller Independent School Districts (ISDs) to operate After School Programs at selected schools. Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

Mayor Barr requested that City Secretary Pearson read all Mayor and Council Communications regarding Waste, Solid Waste, Recyclables, and Collection Services. He further advised that Council would hear citizen presentations relative to each of these items at this time and stated that it was his intension to vote on Mayor and Council Communication No. C-19340 first after the discussion.

**Paul Hicks
Monnie Gilliam,
Byron de Sousa,
Bob J. Crow,
Louis Cass, and**

The following individuals appeared before the City Council and expressed opposition to the use of carts and expressed concern relative to the enforcement of City Codes, and the aesthetics of the carts:

Mr. Paul Hicks	P. O. Box 331611
Mr. Monnie Gilliam	1100 Vicki Lane
Dr. Byron de Sousa	7733 Blossom Drive
Mr. Bob J. Crow	5829 Ridgerock Court
Mr. Louis Cass	P. O. Box 331295

**Mike
Schwalbach**

Mr. Mike Schwalbach, 4010 E. 26th Street, Los Angeles, CA, representing Rerhig Pacific, expressed concern regarding the bid selection process and stated that his company's bid was considerably lower than that of the selected vendor. He requested that his company be given favorable consideration.

Larry Boppe **Mr. Larry Boppe, 841 Meacham Rd., Statesville, NC, appeared before Council and expressed appreciation for the selection of the carts offered by Toter, Inc., which would make the citizens of Fort Worth proud of their roll out carts.**

Steve Kellar **Mr. Steve Kellar, 1121 Riverside Drive, appeared before Council and stated that Waste Management was very proud to continue the partnership with the City.**

C-19340 **There was presented Mayor and Council Communication No. C-19340 from the City Manager recommending that the City Council:**

**Waste
Management of
Texas, Inc.**

- 1. Authorize the City Manager to negotiate and execute a contract with Waste Management of Texas, Inc. for collection of residential garbage and refuse, recyclables, certain commercial solid waste, yard waste and large brush and large bulky waste; and**
- 2. Authorize this contract to begin April 1, 2003, and expire March 31, 2013, with three ten-year renewal options. The estimated cost for FY2002-2003 is \$15,364,459.00. The estimated value of this contract over the ten-year term is \$189,608,855.00; and**
- 3. Authorize the collection of residential garbage once per week in variable volume carts at an initial cost to the City of \$7.79 per household; and**
- 4. Authorize the collection of garbage twice per week in bags at an initial cost to the City of \$8.46 per household.**

Council Member Davis made a motion, seconded by Council Member Haskin, that the recommendation be adopted by deleting Recommendation No. 4.

Council Member Silcox made a substitute motion, seconded by Council Member Picht, that Mayor and Council Communication No. C-19340 be adopted by deleting Recommendation No. 3. The substitute motion failed by the following vote:

AYES:	Mayor Pro tempore McCloud; Council Members Silcox, Moss, and Picht
NOES:	Mayor Barr; Council Members Lane, Haskin, Wentworth, and Davis
ABSENT:	None

The motion to adopt Mayor and Council Communication No. C-19340 by deleting Recommendation No. 4 carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Lane, Haskin,
Wentworth, and Davis

NOES: Council Members Silcox, Moss, and Picht

ABSENT: None

Mr. Bryan Boerner, Director of Environmental Management, appeared and advised Council of the selection process and the quality of the cart offered by Toter, Inc. He further stated that a survey of citizens was conducted relative to cart selection and citizens preferred the cart design by Toter, Inc.

**C-19336
Toter, Inc.**

There was presented Mayor and Council Communication No. C-19336 from the City Manager recommending that the City Council authorize the City Manager to negotiate and execute a contract with Toter, Inc. for the sale, delivery, maintenance and financing of recycling and garbage carts; and authorize this contract to begin November 1, 2002, and expire March 31, 2013; and authorize the City Manager to execute a contract with Bank of America for lease-purchase financing to fund this purchase, subject to negotiating a mutually acceptable lease-purchase agreement.

Council Member Wentworth informed Council that he had filed a Conflict of Interest Affidavit with the City Secretary, and would abstain from voting.

Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Silcox, Haskin, Moss,
Picht, and Davis

NOES: Council Member Lane

ABSENT: None

NOT VOTING: Council Member Wentworth

**C-19337
Abitibi
Consolidated**

There was presented Mayor and Council Communication No. C-19337 from the City Manager recommending that the City Council authorize the City Manager to negotiate and execute a contract with Abitibi Consolidated for single stream recyclables processing; and authorize this contract to begin April 1, 2003, and expire March 31, 2013, with three ten-year renewal options. Under the terms of this contract, the City will be obligated to pay processing fees of approximately \$29.50 per ton, with the estimated cost of \$678,000.00 in FY2002-2003. The fees owed will be offset by rebated revenues realized from the sale of the recyclables. It is anticipated that the rebated revenues will exceed the amount of the processing charges and provide the City with a positive cash flow on this contract of approximately \$611,900.00 in the first year. The estimated value of the rebated revenues from this contract over the ten-year term is \$9,260,391.00. Mayor Pro tempore McCloud made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.

**C-19338
Allied Waste
Systems, Inc.
d/b/a Trinity
Waste Services**

There was presented Mayor and Council Communication No. C-19338 from the City Manager recommending that the City Council:

1. Authorize the City Manager to negotiate and execute a contract with Allied Waste Systems, Inc. d/b/a Trinity Waste Services for transportation of bulk containers of waste and bulk containers of recyclables from the City's proposed convenience centers to disposal and processing facilities, respectively, and for transportation of waste and/or recyclables generated and placed in open top containers at special events in the City; and
2. Authorize this contract to begin April 1, 2003, and expire March 31, 2013, with three ten-year renewal options. The estimated cost of FY2002-2003 is \$130,000.00. The estimated value of this contract over the ten-year term is \$1,486,877.00.

Mayor Pro tempore McCloud made a motion, seconded by Council Member Wentworth, that the recommendation be adopted. The motion carried unanimously.

**C-19339
Independent
Environmental
Services, Inc.
Texas
Corporation**

There was presented Mayor and Council Communication No. C-19339 from the City Manager recommending that the City Council authorize the City Manager to negotiate and execute a contract with Independent Environmental Services, Inc. Texas Corporation (IESI TX Corporation) for yard waste processing and Type IV, C & D (construction and demolition) waste processing and disposal; and

authorize this contract to begin April 1, 2003, and expire March 31, 2013, with three ten-year renewal options. The estimated cost for FY2002-2003 is \$1,639,180.00. The estimated value of this contract over the ten-year term is \$24,484,463.00. Council Member Haskin made a motion, seconded by Council Member Moss, that the recommendation be adopted. The motion carried unanimously.

**ZC-01-1078
Continued Until
After Legislative
Session**

It appeared that the City Council, at its meeting of August 13, 2002, continued the hearing of Zoning Docket No. ZC-01-1078, Text Amendment requiring paving of driveways and parking areas in residential areas and regulating parking of oversized commercial vehicles and unlicensed vehicles in residential areas. Mayor Barr asked if there was anyone present desiring to be heard.

There being no else present desiring to be heard in connection with the Text Amendment, Council Member Silcox made a motion, seconded by Mayor Pro tempore McCloud, that Zoning Docket No. ZC-01-1078 be continued until after the Legislative Session. The motion carried unanimously.

**Citizen
Presentations
George Barnes**

Mr. George Barnes, 5317 Bonnell, appeared before the City Council and expressed concern relative to the housing that was being constructed in the Lake Como area. He also questioned to whom the Lake Como Area Council was accountable.

Brenda Scruggs

Mrs. Brenda Scruggs, 8132 Hosta Way, appeared before the City Council relative to the correspondence from Chief Mendoza's Office, dated October 29, 2002. She advised Council that none of the allegations that were made to the Police Department had been investigated.

Mary A. Jones

Ms. Mary A. Jones, 2538 Glencrest Drive, appeared before Council relative to industrialized housing and illegal dumping in their community. She further stated that she would welcome being a participant on the committee dealing with the placement of industrialize housing.

Mayor Barr requested that City staff visit with Ms. Jones and informed her that the illegal dumping situation could be corrected by stepping up the enforcement.

Adjournment

There being no further business, the meeting was adjourned at 9:22 p.m.